

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Raymond Leon Semler,

Petitioner,

v.

Civil No. 11-854 (JNE/LIB)
ORDER

Lucinda Jesson, Commissioner of
Dept. of Human Services, and
Dennis Benson, CEO of Minnesota
Sex Offender Program (MSOP),

Respondents.

In a Report and Recommendation dated June 15, 2011, the Honorable Leo I. Brisbois, United States Magistrate Judge, recommended that Petitioner's petition under 28 U.S.C. § 2254 (2006) be denied; that this action be dismissed with prejudice; and that Petitioner should not be granted a certificate of appealability. Petitioner objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation [Docket No. 9].

Based on the files, records, and proceedings herein, and for the reasons stated above, IT IS ORDERED THAT:

1. Petitioner's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody [Docket No. 1] is DENIED.
2. This action is DISMISSED WITH PREJUDICE.
3. A certificate of appealability is DENIED.
4. Petitioner's Application to Proceed in Forma Pauperis [Docket No. 2] is DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 26, 2011

s/ Joan N. Erickson

JOAN N. ERICKSEN

United States District Judge